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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 NI DUAN, ) No. C07-5753 JF (HRL)  
13 Plaintiff, )  
14 v. ) STIPULATION TO DISMISS; PROPOSED  
15 MICHAEL CHERTOFF, Secretary of the ) ORDER  
Department of Homeland Security, et al., )  
16 Defendants. )  
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STIPULATED DISMISSAL  
No. C07-5753 JF (HRL)

1 Plaintiff, by and through his attorney of record, and Defendants, by and through their  
2 attorneys of record, hereby stipulate, subject to the approval of the Court, to dismissal of the above-  
3 entitled action without prejudice in light of the fact that the United States Citizenship and  
4 Immigration Services has approved Plaintiff's application for adjustment of status.

5 The parties shall bear their own costs and fees.

6 Date: January 23, 2008

Respectfully submitted,

7 JOSEPH P. RUSSONIELLO  
8 United States Attorney

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10 Date: January 23, 2008

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/s/  
MELANIE L. PROCTOR<sup>1</sup>  
Assistant United States Attorney  
Attorneys for Defendants

/s/  
TODD GALLINGER  
Gill & Gallinger, LLP  
Attorneys for Plaintiff

## ORDER

Pursuant to stipulation, IT IS SO ORDERED. The case is DISMISSED.

Date: 1/25/08

  
JEREMY FOGEL  
United States District Judge

<sup>1</sup>I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.